

IN THE UNITED STATES DISTRICT FOR
THE DISTRICT OF NEW HAMPSHIRE

JEANICE FARLEY, individually and
on behalf of MICHAEL FARLEY, an
incompetent adult,

Plaintiffs

VS.

UNITED STATES OF AMERICA,

Defendant

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No. 1:13-cv-261-LM

DEFENDANT'S PROPOSED ORDER ESTABLISHING TRUST

Before the Court is the Parties Joint Motion to Establish the Michael Farley 2015 Irrevocable Reversionary Medical Care Trust. Accordingly, it is ORDERED that the Parties' joint motion be GRANTED, and the following trusts shall be created. It is FURTHER ORDERED that First Capital Surety and Trust Company is hereby appointed Trustee of the "Michael Farley 2105 Irrevocable Reversionary Medical Care Trust" to deposit the past and future medical care damages awarded by this Court's order dated April 3, 2015 in this matter in the amount of \$13,368,710.62, with an irrevocable reversionary interest to the United States upon the death of Mr. Farley, the terms of which are contained in the Trust Agreement attached as Exhibit A to this Order.

It is FURTHER ORDERED that within 90 days of this Order, the United States shall deposit into the IOLTA Trust Account of the Whitehurst, Harkness, Brees, Cheng, Alsaffar, & Higginbotham, PLLC law firm for disbursement as follows:

1. \$13,368,710.62, plus post judgment interest, to be reserved for the “Michael Farley 2015 Irrevocable Reversionary Medical Care Trust.” No attorneys’ fees or costs shall be deducted from this trust.
2. \$8,100,000.00, plus post judgment interest after deducting 25% attorney’s fees under the FTCA for the entire judgment and a pro-rata share of costs, the remainder shall be deposited to fund the “Michael Farley 2015 Supplemental Care Trust.”
3. \$100,000, plus post judgment interest, to be reserved for Jeanice Farley. After deducting 25% attorney’s fees for the entire judgment under the FTCA and a pro-rata share of costs, the remainder shall be delivered to Jeanice Farley.

It is FURTHER ORDERED that Trustee, First Capital Surety and Trust Company, has power to make payments from the “Michael Farley 2015 Irrevocable Reversionary Medical Care Trust” in accordance the trust documents attached to this order for the benefit of Michael Farley and to pay reasonable and necessary trustee fees.

HON. LANDYA B. MCCAFFERTY
UNITED STATES DISTRICT JUDGE